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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

DAN MILLER, AS SPECIAL
ADMINISTRATOR FOR THE ESTATE
OF HANK MILLER, DECEASED,

Plaintiff,

-VS-

B.J. HEDGECOCK, IN HIS
OFFICIAL CAPACITY AS SHERIFF
OF PUSHMATAHA COUNTY, STATE
OF OKLAHOMA; ET AL.,

Defendants

No. 22-cv-164-RAW

VIDEOCONFERENCE DEPOSITION OF TIMOTHY STEELY
TAKEN ON BEHALF OF THE PLAINTIFF
ON FEBRUARY 20, 2024

REPORTED BY: MARTA MATTINGLY, CSR, RMR

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1 A Last week.

2 Q Was it late last Friday, last Monday?

3 A Last Tuesday.

4 Q Last Tuesday, so about a week ago?

5 A About a week ago.

6 Q About how long did you guys meet?

7 A I believe it was a couple of hours.

8 Q I am going to be asking you some questions
9 today generally about your background, about your
10 education, your employment history. I am also going to
11 ask you some questions about the shooting involving Hank
12 Miller. Fair enough?

13 A Yes, sir.

14 Q The first thing I want to ask you about is
15 your education. Tell me a little bit about your
16 educational background?

17 A What are you referring to as education,
18 college or law enforcement?

19 Q That's a good clarification. I am asking you
20 specifically about formal education. So things like
21 high school, college, trade schools, vo-techs, yeah,
22 anything like that.

23 A So as far as my educational background, I'll
24 be graduating college in May, started 2006. I graduated
25 CLEET, the reserve academy, in 2015, the full-time

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1 academy in 2017, along with numerous training and stuff
2 from the military, as well, that I spent from 2006 to
3 2018.

4 Q You said reserve academy in 2015 and in 2018?

5 A 2017.

6 Q 2017, okay. When did you graduate high
7 school?

8 A 2006.

9 Q Have you taken any courses throughout your
10 career in basic life support or CPR?

11 A Yes.

12 Q Where did you obtain that training and
13 education?

14 A In the military on numerous occasions. Also,
15 with the law enforcement agencies there's an annual
16 certification.

17 Q The CPR courses that you have taken, do you
18 know which CPR courses you have taken?

19 A Just the basic first aid and CPR course.

20 Q Okay. Have you -- did you know that there is
21 a CPR course offered by the American Heart Association
22 that is specific to first responders?

23 A I was unaware of that.

24 Q Do you believe that you have ever taken CPR
25 for first responders?

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1 A I am assuming.

2 Q What is that assumption based on?

3 A Being a first responder and taking the first
4 aid classes, I would assume that it was for that.

5 Q You just testified that you had basic CPR;
6 right?

7 A Right.

8 Q Do you believe that basic CPR is the same as
9 CPR for first responders?

10 A I would make the assumption that it is, yes.

11 Q Why do you make that assumption?

12 A Because I have never been under any kind of
13 regulation that there was different sorts of CPR. I
14 thought CPR was CPR.

15 Q Where did you receive your CPR training from
16 the military?

17 A Fort Benning, Georgia; Turkestan; Afghanistan;
18 Iraq; Kuwait; Fort Sill; Hattiesburg, Mississippi; El
19 Paso, Texas.

20 Q At any of those places were you ever told that
21 the CPR training that you were getting was for first
22 responders?

23 A No.

24 Q With respect to your employment at the
25 Pushmataha County sheriff's office, did you ever receive

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1 training in first aid?

2 A I did not, due to the fact that my CPR
3 certification was still valid once I was employed there.

4 Q After leaving the military, where have you
5 obtained first aid training?

6 A Bokchito police department, Bryan County
7 sheriff's office, and I believe that was it.

8 Q Where did you obtain CPR training, first aid
9 training, prior to your -- the last place, prior to your
10 employment with Pushmataha County sheriff's office?

11 A That would have been the Bryan County
12 sheriff's office.

13 Q What were your dates of employment there?

14 A I can't recall the exact dates. I have worked
15 there on three different occasions. I think the last
16 one was 2019, was prior to Push County, I believe.
17 That's not an exact date.

18 Q That's fine. Is it your testimony that you
19 had received first aid and CPR training at the Bryan
20 County sheriff's office immediately prior to your
21 employment at Pushmataha County?

22 MR. SMITH: Object to the form.

23 You can answer.

24 THE WITNESS: I believe so, yes.

25 Q (By Mr. Bryan) Do you know the setting or the

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1 policy, I have never seen it.

2 Q (By Mr. Bryan) And there was no policy, there
3 was no procedure, as far as you were aware, about what
4 to do in a situation where you have a nonviolent
5 motorist who is going on a low speed chase --

6 MR. POE: Object.

7 Q (By Mr. Bryan) -- when you encounter them?

8 MR. POE: Object to form.

9 THE WITNESS: No, sir. There wasn't a
10 policy for that. But that's something that is taught in
11 your law enforcement training.

12 Q (By Mr. Bryan) Where did you receive training
13 on what to do in that circumstance?

14 A CLEET.

15 Q And what at CLEET are you relying on?

16 A Can you rephrase that question?

17 Q Sure. You indicated to me that you did have
18 prior CLEET training that dealt with the situation of
19 what to do when you encountered a nonviolent motorist
20 who is giving you a low, slow, speed chase. Did I hear
21 your testimony correctly?

22 A Just at CLEET, we received training on use of
23 deadly force, along with numerous other things at CLEET,
24 as far as what to do as a police officer.

25 Q Right. But in the specific case I am talking

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1 about, did you receive any training in that specific
2 context?

3 A Yes. At CLEET.

4 Q What training did you receive specific to that
5 context? What did CLEET train you to do?

6 MR. SMITH: Object to the form.

7 THE WITNESS: Sir, I don't know if I am
8 able to answer that question fully for you, other than I
9 received training at CLEET in reference to pursuits and
10 we received a ton of hours at CLEET. So I don't know if
11 I'm able to answer that question the way you are wanting
12 me to.

13 Q (By Mr. Bryan) You can identify at least some
14 training on pursuit; right?

15 A Yes.

16 Q Tell me as best you can remember what that
17 training entailed?

18 MR. SMITH: Object to the form.

19 THE WITNESS: Just pursuit related
20 incidents, in general. Again, I don't know if I am
21 answering that question the way you are wanting me to.
22 We went through what we call LEDDT, which is Law
23 Enforcement Defensive Driving Tactics. And we went over
24 pursuits, where we drove the vehicles, we received
25 classroom testimony on things, tests. I don't think I

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1 am going to be able to answer that question the way you
2 are wanting me to.

3 Q Did you receive training on low speed chases?

4 A Yes.

5 Q In what context?

6 A I am probably not going to answer that the way
7 you wanted me to. We went over pursuits, not a high
8 speed or low speed. If a vehicle is refusing to stop
9 for an emergency vehicle that has their lights and their
10 sirens activated, that's a pursuit. There was no
11 description in between what the two were.

12 Q So no --

13 A There was no distinction between the two, it
14 was just, a pursuit was a pursuit.

15 Q So no distinction at all between low speed and
16 high speed pursuit; right?

17 A Correct.

18 Q And you would agree that high speed pursuits
19 are potentially life-threatening, life-endangering,
20 situations; right?

21 MR. POE: Object to form.

22 THE WITNESS: I would state that any
23 vehicle that is refusing to stop for an emergency
24 vehicle is life dangerous to anybody.

25 Q (By Mr. Bryan) If somebody is driving five

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1 THE WITNESS: No. It's an officer
2 discretion situation. You are given training and tools
3 for your toolbox and you utilize those how you see fit.

4 Q (By Mr. Bryan) And that's training that you
5 obtained from CLEET; correct?

6 A Yes.

7 Q What type of training did you receive from
8 anywhere that addresses providing first aid or basic
9 life support to a citizen in need at the scene of a
10 shooting?

11 MR. SMITH: Object to the form.

12 THE WITNESS: Could you ask that question
13 again, sir? I didn't hear the first part of it.

14 Q (By Mr. Bryan) Sure. What training have you
15 received from anywhere, not anything specific, about how
16 to respond to a citizen in need of basic life support or
17 CPR at the scene when they've been shot?

18 A That would be where I worked at, where I
19 received first aid and CPR, a long with in the military
20 receiving first aid training, as well.

21 Q Does that training tell you to check on the
22 individual who has been shot?

23 A Yes.

24 Q And why does your training tell you to do
25 that?

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1 MR. POE: Object to the form.

2 THE WITNESS: It's part of trying to save
3 somebody's life, if possible.

4 Q (By Mr. Bryan) Did anybody attempt to assess
5 Mr. Miller?

6 A Yes. He was assessed.

7 Q How was he assessed and who did it?

8 A I can't speak for anybody else. For myself,
9 it was a visual assessment.

10 Q What do you mean by that?

11 A Looking at an individual that is slumped over,
12 no rising or falling of the chest, no movement, blood
13 pouring out from the left side of his body, that was my
14 visual assessment.

15 Q Was there any effort to perform any basic life
16 support for Mr. Miller?

17 MR. SMITH: Object to the form.

18 THE WITNESS: No.

19 Q (By Mr. Bryan) Was there any attempt to stop
20 the bleeding?

21 A No.

22 Q Was there any attempt to check his airway?

23 A No.

24 Q Was there any attempt to check his pulse?

25 A No.

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1 Q Did everyone just assume that he was dead?

2 MR. SMITH: Object to the form.

3 THE WITNESS: I wouldn't say assume. Due
4 to my training and experience from twelve years in the
5 military and law enforcement, along with calls that I
6 have answered in law enforcement where a medical
7 examiner calls me on the phone and I respond to a dead
8 body, takes my word that the body is deceased, due to
9 all of that experience and seeing Mr. Miller in his
10 condition, I believed him to be dead.

11 Q (By Mr. Bryan) And nobody from Push County
12 gave you any guidance on what to do in assessing
13 somebody who has been shot; correct?

14 MR. POE: Object.

15 MR. SMITH: Object to the form.

16 THE WITNESS: No.

17 Q (By Mr. Bryan) Do you have any medical
18 training besides CPR or basic life support?

19 A Yes.

20 Q Tell me about that?

21 A In the military we receive combat lifesaver
22 training. I think that would be about it.

23 Q What is combat lifesaver training?

24 A An extended version of first aid on treating
25 chest wounds, missing limbs, and moving under gunfire,

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1 trying to triage an individual while you are being shot
2 at.

3 Q Does it have anything to do with assessing the
4 survivability of a gunshot wound?

5 A Yes.

6 Q Tell me how?

7 A Looking at the rising and falling of the
8 chest, seeing if a person appeared to be lifeless, no
9 movement, being slumped over, pretty much the visual
10 that I observed with Mr. Miller.

11 Q So your training, if I understand you right,
12 would tell you that if their chest is not rising and
13 falling and there's no voluntary movements and they're
14 slumped over, that would be an indication to you that
15 the person is deceased?

16 MR. SMITH: Object to the form.

17 THE WITNESS: Yes.

18 Q (By Mr. Bryan) Okay. Has anybody ever
19 trained you on whether or not a person can still have a
20 pulse but not be respirating, breathing?

21 A No.

22 Q Is it your belief that you have to have a
23 pulse to breathe?

24 MR. SMITH: Object to the form.

25 THE WITNESS: That would be a medical

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1 A That is what I got from what you are
2 explaining to me, if there's no pulse, no breathing,
3 vice versa, that's what I gathered from you when you
4 were explaining it.

5 Q Not really. What I'm asking you is, does your
6 training tell you, that when someone -- their chest is
7 not going up and down -- right, are you with me so far?

8 A Yes.

9 Q -- that there's no need to check on whether or
10 not they have a pulse because you know from the chest
11 not going up and down that they have no pulse?

12 MR. SMITH: Object to the form.

13 Q (By Mr. Bryan) Do you understand the
14 question?

15 A Yeah. I would agree to that, yes.

16 Q Can you see my screen, Mr. Steely?

17 A Yes, sir.

18 Q Do you know what we are looking at here?

19 A Yes.

20 Q What is this?

21 A A notification of employment slash termination
22 that gets sent to CLEET.

23 Q It says date of employment, 10-19-20. Is that
24 when you first started your employment there with Push
25 County?

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1 A It's roughly around there, yes.

2 Q Did you have an email address at the time with
3 Push County?

4 A Yes.

5 Q Do you recall what it was?

6 A No.

7 Q Did you guys use hotmail or did you have like
8 a dedicated email server?

9 A It was a county-issued email. I don't
10 remember who it was through, sir.

11 Q So up here where it says
12 pushcosheriff@hotmail.com, is that an email address that
13 you would have ever used?

14 A No. That was a generic email, I guess,
15 sheriffs use. I can't testify to that email. I don't
16 know what it is.

17 Q But did the sheriff ever email you using like
18 a hotmail account?

19 A I don't believe so.

20 Q Would he use like one that was a dedicated
21 server?

22 MR. SMITH: Object to form.

23 THE WITNESS: He would use the
24 county-issued email.

25 Q (By Mr. Bryan) Do you remember what the

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1 and keep it on one page.

2 Q Okay. And then here we are looking at, this
3 is your CLEET training profile; correct?

4 A Yes.

5 Q Can you identify any of the courses in here
6 that would be relevant to pursuits or how a pursuit
7 ends?

8 MR. POE: Object to form.

9 MR. SMITH: Same.

10 THE WITNESS: Where it says I received
11 the CLEET certification with the amount of hours.

12 Q (By Mr. Bryan) Just from the basic academy?

13 A Yes.

14 Q Anything else? And if you want me to scroll
15 back up to the first page, I will.

16 A Yes. If you can scroll back up to the first
17 page. There's a pursuit driving fundament right there
18 from 1-05 of 2019, as well.

19 Q That was two hours from police1.com; correct?

20 A Yes.

21 Q Anything else?

22 A I think that would be it, sir.

23 Q Do you recall this training, this Police 1
24 course?

25 A Briefly, yes.

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1 On my body camera, when you activate it, it plays back
2 about a minute with no audio, then it activates. But,
3 yes, it was activated the whole time.

4 Q The audio doesn't run but the video runs;
5 right?

6 A Yes.

7 Q So your body camera was activated throughout
8 the entire encounter; right?

9 A Yes.

10 Q So you knew Tammy Scott prior to that night;
11 correct?

12 A Yes.

13 Q At what point did you understand that that was
14 Tammy Scott?

15 A When I went over to check on her and started
16 talking to her, that's when I realized it.

17 Q Did you place her in handcuffs?

18 A I don't recall. I don't know if she was
19 already in handcuffs or not. I don't recall.

20 Q Tell me how you guys processed that scene out
21 there? I mean, obviously, Deputy Knoll fires his shots.
22 But after that happens, what do you do?

23 MR. SMITH: Object to the form.

24 THE WITNESS: I immediately started
25 trying to contact my superiors, my chain of command,

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1 advised them of the situation. Right before that I
2 called EMS for medical care for the deputies and for
3 Mr. Miller. Still was trying to get in contact with the
4 chain of command, spoke with them.

5 I spoke and checked on Ms. Tammy Scott,
6 for her well-being. Shortly after that, secured Deputy
7 Knoll's firearm. Then Deputy Columbus -- and I don't
8 remember if Knoll helped or not, I don't recall, but I
9 know the crime scene tape was placed up. I created a
10 crime scene log, also contacted OSBI. EMS arrived on
11 scene. They confirmed that Mr. Miller was deceased.

12 Once OSBI was there, I kind of explained
13 what the situation was. Then shortly after that, when
14 the scene was cleared, we went back and that's when we
15 were interviewed by OSBI.

16 Q (By Mr. Bryan) Did you have any conversations
17 with Tammy Scott after you left the scene?

18 A After I left the scene?

19 Q Yes, sir.

20 A No, sir.

21 Q Did you have any conversations with her a few
22 days later?

23 A No.

24 Q Do you know an officer employed by Antlers at
25 the time with the last name Marzek?